

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA JUN 10 PM 1:21
SOUTHERN DIVISION**

U.S. DISTRICT COURT
N.D. OF ALABAMA

CORNELIUS JACKSON,)
Plaintiff,)
v.) CV 02-H-2327-S
LT. K. CLARK and OFFICER CASH,)
Defendants.)

Jm

ENTERED
JUN 10 2003

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on April 29, 2003, recommending that plaintiff's Fourteenth Amendment due process, excessive force, and access to court claims, Eighth Amendment conditions of confinement and inadequate medical care claims, and Sixth Amendment claims against defendants Clark, Cash, and any unnamed defendants be dismissed pursuant to 28 U.S.C. §1915A(b)(1). The magistrate judge also recommended that plaintiff's request for a court order mandating that the Warden of W.E. Donaldson Correctional Facility provide medical training and supervision to corrections personnel be denied.

Finally, the magistrate judge recommended that plaintiff's Eighth Amendment excessive force claims, First Amendment retaliation and conspiracy claims, and the state common law assault and battery claims against defendants Clark and Cash be referred to the undersigned magistrate judge for further proceedings. Plaintiff filed objections to the report and recommendation on May 12, 2003.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the

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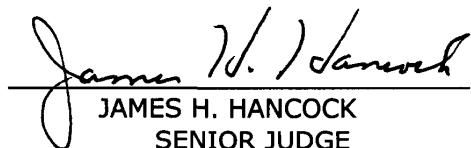
Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED, with the following exception: on one occasion, the report inadvertently referred to defendant Clark as the defendant who allegedly deprived the plaintiff of his clothing, legal materials, paper, and pens while in segregation, when in fact it was defendant Cash.

Accordingly, plaintiff's Fourteenth Amendment due process, excessive force, and access to court claims, Eighth Amendment conditions of confinement and inadequate medical care claims, and Sixth Amendment claims against defendants Clark, Cash, and any unnamed defendants are due to be DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1). Moreover, plaintiff's request for a court order mandating that the Warden of W.E. Donaldson Correctional Facility provide medical training and supervision to corrections personnel is due to be DENIED.

Finally, plaintiff's Eighth Amendment excessive force claims, First Amendment retaliation and conspiracy claims, and state common law assault and battery claims against defendants Clark and Cash are due to be referred to magistrate judge Harwell G. Davis, III, for further proceedings.

An appropriate order will be entered.

DATED this 10th day of June, 2003.



JAMES H. HANCOCK
SENIOR JUDGE